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Hollingsworth & Funk, LLC
Suite 125
8009 34th Avenue South
Minneapolis, MN 55425

EXAMINER	
EWART, JAMES D	
ART UNIT	PAPER NUMBER
2683	

DATE MAILED: 11/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/820,893	ROUSU ET AL.	
	Examiner	Art Unit	
	James D. Ewart	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20,22-24,26-39 and 42-44* is/are rejected.

7)☒ Claim(s) *21,25,40 and 41* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. Claim 42 is directed to non-statutory subject matter:

MPEP 2106: Since a computer program is merely a set of instructions capable of being executed by a computer, the computer program itself is not a process and Office personnel should treat claim for a computer program, without the computer-readable medium needed to realize the computer program's functionality, as nonstatutory functional descriptive material.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 42 and 43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention:

MPEP 2106.02: While no specific universally applicable rule exists for recognizing an insufficiently disclosed application involving computer programs, an examining guideline to generally follow is to challenge the sufficiency of such disclosures which fail to include either

the computer program itself or a reasonably detailed flowchart which delineates the sequence of operations the program must perform.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-9,11,12,14,18-20,22-24,27-30,35,36,38,39 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melen (US Patent Publication no. 2004/0148090) in view of Kennedy, III et al. (U.S. Patent No. 5,544,225).

Referring to claims 1, 28, 35, 42 and 43, Melen teaches a data communication method in a communication system (0007), comprising: transmitting and receiving speech and/or data by means of a mobile device of the communication system and by using a predetermined transmission resource (0007 & 0051), determining the location of the mobile device of the communication system (0008), transmitting information about the location of the mobile device to a predetermined group of users (0029 & Figure 5). Although Melen teaches using SMS or short range radio for sending data and location information (0029 and 0038) he does not specifically teach transmitting the location information with data or speech. Kennedy, III et al teaches transmitting the location information with data or speech (Column 7, lines 63-65 & Column 9, Lines 55-57). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Melen with the

teaching of Kennedy, III et al of transmitting the location information with data or speech to provide location information via a voice or data (Column 8, lines 54-56) The resource must be predetermined in order to communicate using the resource. Status information is equated with data.

Referring to claim 2, Melen further teaches determining the location in the mobile device (0008).

Referring to claims 3 and 30, Melen further teaches determining the location using a satellite positioning system (0008).

Referring to claims 4 and 29, Kennedy, III et al. further teaches establishing a packet switched connection between the mobile device and a network element of the communication system as the predetermined transmission resource (Figure 5 and Column 22, Lines 35-45).

Referring to claim 5, Kennedy, III et al. further teaches transmitting information about the location in response to a command given by the user of the device (Column 8, Lines 1-3, 12-14).

Referring to claim 6, Kennedy, III et al. further teaches detecting a change in the location of the mobile device; transmitting information about the location on the basis of the detection

(Column 8, Lines 26-34). Examiner equates the deviation in location from a scheduled location as a change in location.

Referring to claim 7, Melen further teaches wherein the mobile device is participating a group call (0051).

Referring to claim 8, Melen further teaches wherein the predetermined group of users is participating in a group call (0051).

Referring to claim 9, Melen further teaches wherein at least one user of the predetermined group of users receives the information about the location using a mobile device (Figure 1A).

Referring to claim 11, Kennedy, III et al. further teaches wherein at least one packet comprising information about the location replaces at least one speech or data packet (Column 22, Lines 35-45).

Referring to claim 12, Kennedy, III et al. further teach wherein at least one packet comprising information about the location is transmitted among speech or data packets (Column 22, Lines 35-45).

Referring to claim 14, Kennedy, III et al. further teaches wherein the information about the location of the mobile device is sent as a separate message (Column 8, Lines 26-34).

Referring to claim 18, Kennedy, III et al. further teaches receiving a location query from the system, and determining and transmitting information about the location of the mobile device in response to the query Column 8, lines 1-7).

Referring to claim 19, Melen further teaches wherein each device participating in the group call transmits information about its location to a predetermined participant in the group call (0030 and 0033), and the predetermined participant in the group call transmits the information about the location of each device to all participants (0030 and 0033). Examiner equates the service operator and vehicle network server with the predetermined participant.

Referring to claim 20, Kennedy, III et al. further teaches wherein the time when location was determined is included in the location information (Column 12, Lines 11-12).

Referring to claims 22 and 38, Melen further teaches transmitting location information to a network server connected to the communication system (0033), and storing location information in the network server (0055).

Referring to claim 23, Melen further teaches wherein the location information is sent without intervention by the user of the device (0033). The navigation system keeps track of the

locations of the group members in real time, which Examiner equates with sending without intervention of the user.

Referring to claim 24, Melen further teaches wherein the information about the location of the mobile device is used as input information for an application running in a mobile device or a computer (0007).

Referring to claim 27, Kennedy, III et al. further teaches wherein transmission of location related information is triggered by a voice command or a sound (Column 8, Lines 12-14 AND Column 14, Lines 29-31).

Referring to claim 36, Melen further teaches further comprising a network element configured to act as a group management server (0033) and at least two mobile devices configured to participate in a group call (0051).

Referring to claim 39, Melen further teaches a network server configured to transmit location information relating to a mobile device to a group of other devices (0033).

Referring to claim 44, Melen further teaches the distribution medium comprising a computer readable medium (Figure 3A, Bus), a program storage medium (Figure 3A, 326), a record medium (Figure 3A, 320), a computer readable memory (Figure 3A, 308 and 0055), a computer readable software distribution package (Figure 3A, 322) , a computer readable signal

(0055), a computer readable telecommunications signal (Figure 3A, 316) and Kennedy III et al teaches and a computer readable compressed software package (Column 9, Lines 57-60).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melen and Kennedy, III et al. in view of Jones (US Patent Publication No. 2003/0079135)

Referring to claim 10, Melen and Kennedy, III et al. teach the limitations of claim 10, but do not teach wherein at least one user receives the information about the location by using a personal computer. Jones teaches wherein at least one user receives the information about the location by using a personal computer (0012 and Figure 1, 19). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Melen and Kennedy, III et al. with the teaching of Jones wherein at least one user receives the information about the location by using a personal computer to allow others to monitor progress on a journey (0012).

6. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melen and Kennedy, III et al. in view of Schuster et al. (US Patent No. 6,577,622)

Referring to claim 13, Melen and Kennedy, III et al. teach the limitations of claim 13, but do not teach wherein each packet comprises information about whether it contains speech, data or information about the location of the mobile device. Schuster et al. teaches wherein each packet comprises information about whether it contains speech, data or information about

the location of the mobile device (Column 18, Lines 27-32). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Melen and Kennedy, III et al. with the teaching of Schuster et al. wherein each packet comprises information about whether it contains speech, data or information about the location of the mobile device to enable an application to identify the type of packet (Column 18, Lines 27-32)

7. Claims15, 32 and 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melen and Kennedy, III et al. in view of Salovuori (US Patent Publication No. 2002/0196781)

Referring to claim 15, Melen and Kennedy, III et al. teach the limitations of claim 15, but do not teach detecting a pressing of a predetermined key of the mobile device, activating speech transmission on the basis of the detection. Salovuori teaches detecting a pressing of a predetermined key of the mobile device, activating speech transmission on the basis of the detection (0052). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Melen and Kennedy, III et al. with the teaching of Salovuori of detecting a pressing of a predetermined key of the mobile device, activating speech transmission on the basis of the detection in a group call to request resources for speech (0052).

Referring to claim 32 Melen and Kennedy, III et al. teach the limitations of claim 32, but do not teach a keyboard with at least one key, means to detect a pressing of a predetermined key

of the keyboard, means to activate speech transmission on the basis of the detection. Salovuori teaches a keyboard with at least one key, means to detect a pressing of a predetermined key of the keyboard, means to activate speech transmission on the basis of the detection (0052). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Melen and Kennedy, III et al. with the teaching of Salovuori of a keyboard with at least one key, means to detect a pressing of a predetermined key of the keyboard, means to activate speech transmission on the basis of the detection to request resources for speech in a group call (0052). Examiner equates keyboard with user interface keys.

Referring to claim 37 Melen and Kennedy, III et al. teach the limitations of claim 37, but do not teach keyboard with at least one key, means to detect a pressing of a predetermined key of the keyboard, and means to signal a transmission request to the network element on the basis of the detection, wherein the network element is configured to receive the request and allocate transmission turns between the mobile devices on the basis of the requests received from the mobile stations.. Salovuori teaches keyboard with at least one key, means to detect a pressing of a predetermined key of the keyboard, and means to signal a transmission request to the network element on the basis of the detection, wherein the network element is configured to receive the request and allocate transmission turns between the mobile devices on the basis of the requests received from the mobile stations (0052). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Melen and Kennedy, III et al. with the teaching of Salovuori of a keyboard with at

least one key, means to detect a pressing of a predetermined key of the keyboard, and means to signal a transmission request to the network element on the basis of the detection, wherein the network element is configured to receive the request and allocate transmission turns between the mobile devices on the basis of the requests received from the mobile stations to request resources for speech in a group call (0052). Examiner equates keyboard with user interface keys.

8. Claim 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melen, Kennedy, III et al. and Salovuori and further in view of Haartsen (US Patent Publication No. 2003/0048806)

Referring to claim 16, Melen, Kennedy, III et al. and Salovuori teach the limitations of claim 16 including transmitting location information, but do not teach transmitting the information before the transmission of speech or data. Haartsen teaches transmitting the information before the transmission of speech or data (Figure 2). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Melen, Kennedy, III et al. and Salovuori with the teaching of Haartsen of transmitting the information before the transmission of speech or data to prevent address contention in address list generation in overlapping, uncoordinated networks (0002).

Referring to claim 17, Melen, Kennedy, III et al. and Salovuori teach the limitations of claim 17 including transmitting location information, but do not teach transmitting the

information in a predefined part of the transmission. Haartsen teaches transmitting the information in a predefined part of the transmission (Figure 2). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Melen, Kennedy, III et al. and Salovuori with the teaching of Haartsen of transmitting the information in a predefined part of the transmission to prevent address contention in address list generation in overlapping, uncoordinated networks (0002).

9. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melen and Kennedy, III et al. in view of Grube et al. (US Patent No. 6,885,874)

Referring to claim 26, Melen and Kennedy, III et al. teach the limitations of claim 26, but do not teach wherein transmission of location related information is triggered by an external event detected by a sensor of the mobile device. Grube et al. teaches wherein transmission of location related information is triggered by an external event detected by a sensor of the mobile device (Column 3, Lines 45-51). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Melen and Kennedy, III et al. with the teaching of Grube et al. wherein transmission of location related information is triggered by an external event detected by a sensor of the mobile device to provide a group call with location sharing (Column 3, Lines 18-20).

10. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Melen and Kennedy, III et al. in view of Tano et al. (US Patent No. 5,828,987)

Referring to claim 31, Melen and Kennedy, III et al. teach the limitations of claim 31, but do not teach determining the location of the mobile device using an inertia navigation arrangement. Tano et al. teaches determining the location of the mobile device using an inertia navigation arrangement (Column 2, Lines 2-19). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Melen and Kennedy, III et al. with the teaching of Tano et al. of determining the location of the mobile device using an inertia navigation arrangement to provide location data when GPS reception is difficult due to tunnels and other obstacles blocking the GPS signals (Column 1, lines 8-12).

11. Claims 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Melen and Kennedy, III et al. and further in view of Haartsen.

Referring to claim 33, Melen, Kennedy, III et al. and Salovuori teach the limitations of claim 33 including transmitting location information, but do not teach transmitting the information before the transmission of speech or data. Haartsen teaches transmitting the information before the transmission of speech or data (Figure 2). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Melen, Kennedy, III et al. and Salovuori with the teaching of Haartsen of transmitting the information before the transmission of speech or data to prevent address contention in address list generation in overlapping, uncoordinated networks (0002).

Referring to claim 34, Melen, Kennedy, III et al. and Salovuori teach the limitations of claim 34 including transmitting location information, but do not teach transmitting the information in a predefined part of the transmission. Haartsen teaches transmitting the information in a predefined part of the transmission (Figure 2). Therefore at the time the invention was made, it would have been obvious to a person of ordinary skill in the art to combine the teaching of Melen, Kennedy, III et al. and Salovuori with the teaching of Haartsen of transmitting the information in a predefined part of the transmission to prevent address contention in address list generation in overlapping, uncoordinated networks (0002).

Allowable Subject Matter

12. Claims 21, 25, 40 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Referring to claims 21 and 40, the references sited do not teach wherein the method with which the location was determined is included in the location information.

Referring to claim 25, the references sited do not teach wherein predefined privacy levels assigned to predetermined groups or to users belonging to predetermined groups are taken into account in the transmission of information about the location of the mobile device.

Referring to claim 41, the references sited do not teach a network server configured to receive a location information request, to send location information updated within a given time limit as a response to the request, and to request the updating of location information not updated within the given time limit.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aarnio et al. U.S. Patent Publication No. 2005/0136886 discloses system and method for associating postmark information with digital content.

Alperovich et al. U.S. Patent No. 5,924,041 discloses method and apparatus for providing a dispatch system in a cellular radio system.

Cao et al. U.S. Patent Publication No. 2003/0020623 discloses group notification system and method for implementing and indicating the proximity of individuals or groups to other individuals or groups.

Crockett et al. U.S. Patent Publication No. 2003/0153343 discloses communication device for initiating a group call in a group communication network.

Dunko et al. U.S. Patent No. 6,553,236 discloses on demand location function for mobile terminal.

Fumarolo et al. U.S. Patent No. 6,366,782 discloses method and apparatus for allowing a user of a display-based terminal to communicate with communication units in a communication system.

Greene U.S. Patent No. 6,668,173 discloses instant message user location tracking system.

Grube et al. U.S. Patent No. 5,689,809 discloses method for determining geographic relationships between communication units.

Hackbarth et al. U.S. Patent Publication No. 2002/0147777 discloses apparatus and method for use in portal service for a team utilizing collaboration services.

Hillman et al. U.S. Patent No. 6,320,535 discloses vehicle tracking and security system incorporating simultaneous voice and data communications.

Mayle et al. U.S. Patent No. 6,018,774 discloses method and system for creating Messages including image information.

Novik U.S. Patent No. 6,339,745 discloses system and method for fleet tracking.

Pace, II U.S. Patent No. 5,712,899 discloses mobile location reporting apparatus and methods.

Preston et al. U.S. Patent No. 6,144,336 discloses system and method to communicate time stamped, 3-axis geo-position data within telecommunication networks.

Turcanu et al. U.S. Patent Publication No. 2005/0054361 discloses group service with information on group members.

Yamamoto U.S. Patent Publication No. 2003/0037110 discloses method for providing area chat rooms, methods for processing area chats on terminal side, computer readable medium

for recording processing program to provide area chat rooms, Apparatus for providing area chat rooms and terminal-side apparatus for use in system to provide area chat rooms.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James D. Ewart whose telephone number is (571) 272-7864. The examiner can normally be reached on M-F 7am - 4pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571)272-7872. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular communications and (571) 273-8300 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571)272-2600.

James Ewart
November 9, 2005

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600